

Ord. No. 798-11.

By Council Members Miller, Kelley, Cleveland, Zone, Cimperman, Keane and Sweeney (by departmental request).

An ordinance to provide for the consideration of Complete and Green Street elements in all construction projects within the public right-of-way.

Whereas, Complete and Green Streets address the livability and environmental needs of our community by building upon efforts and promotes a multimodal transportation system. Its main objective is to design, build, and maintain roads (including multi-use trails) that safely and comfortably accommodate all users of roadways, including motorists, motorcyclists, bicyclists, pedestrians, transit and school bus riders, delivery and service personnel, freight haulers, and emergency responders. It includes people of all ages and abilities with multipurpose streets that better accommodate walkers, cyclists, and public transportation while reducing the environmental impact of our transportation infrastructure by incorporating green infrastructure strategies to reduce waste, storm water run-off and energy consumption; and

Whereas, the development of multi-use trail for pedestrians and bicyclists and protected bike lanes for bicyclists is integral in creating a multimodal transportation system. Thus, this Complete Streets Policy supports the development of physically separated bike facilities where feasible to ensure connectivity, to ensure safety of vulnerable road users and to

encourage more people to engage in active transportation.

Whereas, integrating sidewalks, bike facilities, transit amenities, or safe crossings and green infrastructure elements into the initial design of a project spares the expense and complications of retrofits later.

Whereas, the City of Cleveland is committed to the creation of a network of Complete and Green Streets that will encourage economic growth, increase property values, reduce crashes through safety improvements, improve public health and fitness, reduce harmful emissions, and reduce the overall demand on our roadways by allowing people to replace motor vehicle trips with active transportation options while also improving the improve the economic, environmental and social well-being of citizens; and

Whereas, the desired outcome of the Complete Streets and Green Streets Policy is to create an equitable, balanced, and effective transportation system where every roadway user can travel safely and comfortably, and where sustainable transportation options are available to everyone~~Cleveland's network of Complete and Green Streets will provide safe and desirable travel for users of all ages and abilities and accommodate pedestrians, cyclists, motorists and transit while also incorporating best management practices in green infrastructure; and~~

Whereas, the goals of this Complete Streets policy are to create a comprehensive, integrated, and

connected transportation network that supports compact, sustainable development and provides livable communities; to ensure safety, ease of use, and ease of transfer between modes for all users of the transportation system; to provide context sensitive design flexibility for different types of streets, areas, and users.

Whereas, the City of Cleveland recognizes the need to provide a Complete and Green Streets policy to assist in the management of stormwater runoff and provide environmental benefit; and

Whereas, other jurisdictions and agencies nationwide have adopted Complete and Green Streets legislation in furtherance of these guiding policies; now, therefore

Be it resolved by the Council of the City of Cleveland:

Section 1. That the Director of Capital Projects is authorized to implement and enforce policies and guidelines related to Complete and Green Streets. Complete Streets and Green Streets will be integrated into policies, planning, and design of all types of public and private projects, including new construction, reconstruction, rehabilitation, repair, restriping and maintenance of transportation facilities on streets and redevelopment projects. in all construction projects within the public right of way. Construction projects include new construction, reconstruction, rehabilitation, resurfacing, and streetscape enhancements.

Section 2.

The City of Cleveland strives to use the best and latest design guidelines, standards and recommendations available when considering methods or providing development flexibility within safe design parameters and balanced design solutions between the user and modal needs. A balanced approach considers aspects such as street design and width, desired operating speed, hierarchy of streets, connectivity, wayfinding signs and signal variation from a human scale for the needs and comforts of All Users. The City will generally follow accepted or adopted design standards when implementing improvements intended to fulfill this Complete Streets policy and will consider innovative or non-traditional design options where a comparable level of safety for users is present. Design criteria shall be based on the thoughtful application of engineering, architectural and urban design principles in addition to prescriptive guidelines. Best practices in policies, design criteria, standards and guidelines related to street design, construction and operations can be found in, but are not limited to, the following:

- Guidelines provided by the American Association of State Highway Transportation Officials (AASHTO)
- Guidelines provided by the National Association of City Transportation Officials (NACTO) including the Urban Bikeway Design Guide and Urban Streets Design Guide
- Guidelines provided by the Ohio Department of Transportation (ODOT)
- Guidelines provided by FHWA
- Guidelines provided in the Manual on Uniform Traffic Control Devices (MUTCD)

- Guidelines provided in the ADA Standards for Accessible Design
- Guidelines provided by the Highway Capacity Manual published by the Transportation Research Board

In addition, in designing a project, the Mayor's Office of Capital Projects must consult with the Director of City Planning and Traffic Engineering to implement any existing plans adopted within the project area, include the Bikeway Masterplan, Transportation for Livable Community Initiatives, Connecting Cleveland 2020, **Greater Cleveland Regional Transit Authority's Strategic Plan**, and any other plans that may be developed.

That Complete Street elements are based on guidelines contained in the following documents or organization policies: the Cleveland Bikeway Master Plan, the Americans with Disabilities Act, Engineering and Construction Specifications, Cleveland Public Power Streetlight Guidelines, Traffic Engineering Signal guidelines, the Highway Capacity Manual, the Streetscape Design Guidelines Handbook, the Greater Cleveland RTA Transit Waiting Environment Manual, the Citywide Plan, and other guidelines that may be developed. The City of Cleveland's Complete Streets policy will focus on developing a connected, integrated network that serves all road users. Complete Streets support economic growth and community stability by providing accessible and efficient connections between home, school, work, recreation and retail destinations by improving the pedestrian and vehicular environments throughout the city. These guidelines shall be followed on all new construction, reconstruction, rehabilitation,

resurfacing, and streetscape enhancements with the exception of maintenance projects.

Section 3. That Green Street elements are based on guidelines contained in the following documents or organization policies: Cleveland Water Pollution Control guidelines, Engineering and Construction Specifications, Cleveland Public Power Streetlight Guidelines, Traffic Engineering Signal Guidelines, the Streetscape Design Guidelines Handbook, the Northeast Ohio Regional Sewer District stormwater plans, the Ohio Department of Transportation and Ohio Environmental Protection Agency Best Management Practices for Green Streets, **Greater Cleveland Regional Transit Authority's Bus Stop Design Guidelines and Transit Waiting Environments**, and other guidelines that may be developed.

Section 4. That Green infrastructure or Complete Streets elements on resurfacing projects and other roadway maintenance projects conducted by the City of Cleveland shall be limited to minimal impact improvements that do not affect sub base, curbs and sidewalks or other elements outside the scope of a project of maintenance resurfacing. Elements that may be included are paint re-striping and lane reconfiguration to accommodate a bike lane, buffered bike lane or protected bike lane; ~~sharrows,~~ signage for cyclists or pedestrians; and the use of recycled asphalt.

Section 5. That the Director of Capital Projects shall be authorized foster partnerships with the Ohio

Department of Transportation, the Federal Highway Administration, the Northeast Ohio Areawide Coordinating Agency, Cuyahoga County, Cleveland City Council members, **Greater Cleveland Regional Transit Authority**, surrounding counties and cities, school districts, citizens, developers, businesses, interest groups and neighborhoods to implement the Complete and Green Streets policy. To facilitate this partnership the director of Capital Projects shall convene a Multi-Modal Advisory Committee to consult an advisory committee to that consists of include representatives of all effected City Departments, Northeast Ohio Regional Sewer District, Greater Cleveland Regional Transit Authority, and the Northeast Ohio Areawide Coordinating Agency, Cleveland City Council representatives, the Ohio Department of Transportation, Community Development Corporations, Bike Cleveland, **Clevelanders for Public Transit**, and AARP. The Multi-Modal Advisory Committee shall meet monthly to review the **improvement and any requests for exemptions from the Complete and Green Streets Ordinance**. Any exemption shall follow the process outlined in Section 6 of this ordinance guidelines and, upon consultation with other City Departments, approve exemptions where appropriate. The Director of Capital Projects shall provide notice of all exemption requests to the City Council member or members whose ward or wards include a project seeking an exemption.

Section 6. That exemptions to be considered include, but are not limited to, the following items:

(a) The project involves a roadway on which nonmotorized use is prohibited by law. In this case, an effort shall be made to accommodate pedestrians and bicyclists elsewhere;

areas where bicyclists and pedestrians are prohibited by law, provided that alternative facilities or accommodations for pedestrians/cyclists are provided within the same transportation corridor;

(b) Where cost of accommodation is excessively disproportionate to the need or probable use.

financial hardship to the project sponsor. Financial hardship exists when compliance with Complete and Green policies and guidelines constitutes a minimum of twenty (20) per cent of the total project cost, but in no event more than one million dollars;

(c) severe topographic or natural resource constraints;

(d) existing structures do not allow for implementation of Complete and Green Street elements;

(e) There is documentation that there is an absence of use by all except motorized users now and would be in the future even if the street were a complete street

inclusion of Complete and Green Street elements could result in threats to the safety and welfare of pedestrians, cyclists, or motorists; or

(f) public transit enhancements when the street is not on a public transit route.

Any ~~exemption~~ exemption to applying this Complete and Green Streets Policy to a specific roadway project must be reviewed by the Multi-Modal Advisory

Committee and presented to the City Council member of where the project is located. Formal documentation must be filed indicating why the facility or project should be exempt from the Complete Streets Ordinance. If the facility is not an interstate freeway, clear reasoning must be presented in the formal exemption request as to why the facility or project should be exempt. A public hearing should be held to hear opposing views against the facility or project exemption. These hearings should be held during evening hours in a location in close proximity to the project. Mitigation must be identified in the formal request on how the city or developer will accommodate users who will be restricted. No exemption can be proposed without mitigation. Vote must be taken by the Multi-Modal Advisory Committee and must be approved by Cleveland City Council to allow the project or facility to be exempt from the Complete and Green Streets Ordinance.

Section 7. That all projects approved under the Complete and Green Streets policy include provisions for ongoing maintenance of the improvements. ~~A life cycle cost analysis may be used to determine the feasibility of the improvements.~~ Alternative maintenance arrangements may be utilized to reduce the costs to the City for ongoing maintenance, such as maintenance agreements with adjacent property owners.

Section 8. That the Director of Capital Projects shall provide an annual progress report to Council, and made available to the public, on the implementation of the Complete and

Green Streets Policy. The annual report should include the following performance measures:

1. User data -- bike, pedestrian, transit and traffic
2. Crash data
3. Use of new projects by mode
4. Compliments and complaints
5. Linear feet of pedestrian accommodations built
6. Number of ADA accommodations built
7. Miles of bike lanes/protected bike lanes/trails built or striped
8. Number of transit accessibility accommodations **including built miles of dedicated transit lanes/number of transit priority signals installed/number of bus bulbs installed**
9. Number of street trees planted
10. Number of curb bump outs installed
11. Number and type of crosswalk and intersection improvements.
12. Number of exemptions from this policy approved

These measures must be compiled in partnership with relevant departments, including Capital Projects, City Planning, and the Office of Sustainability, and reported to Council and made available to the public on an annual basis.

Section 9. That this ordinance shall be effective ~~January 1, 2012.~~

Section 10. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

~~Passed September 19, 2011.~~
~~Effective October 19, 2011.~~